

**THE CITY OF NEW CASTLE
BOARD OF ADJUSTMENT**

NOTICE OF DECISION

APPLICANT: John Di Mondì Enterprises LLC
PO Box 72
New Castle, DE 19720

NCC TAX PARCEL NO. 21-014.00-396
PUBLIC HEARING DATE: March 26, 2019
DATE OF DECISION: April 9, 2019

REQUESTED: Applicant requested a special exception under section 230-21.1(D)(4) of the Zoning Code of the City of New Castle (the "Code") to allow for the expansion of an existing and operating self-service storage facility at a property zoned DG (Downtown Gateway) known as 300 W. 7th Street, NCC Tax Parcel No. 21-014.00-396.

The Board of Adjustment may grant a special exception for expansion of an existing and operating self-service storage facility in the DG zoning district under §230-21.1(D)(4) and §230-57 B of the Code where, upon written application, the Board finds that the special exception is in harmony with the purpose and intent of the Code and will not adversely affect the public interest, subject, however to such conditions and safeguards as the Board deems appropriate.

Mayor Jimmy Gambacorta chaired the meeting. Also present as Board members were City Engineer David Athey and City Solicitor Daniel R. Losco. Mayor Gambacorta read into the record the official notice of the hearing. That notice was timely published in accordance with the law and a copy of the notice was admitted into the record. Photographic evidence confirmed that the property had been posted prior to the hearing according to New Castle ordinance requirements. John Di Mondì appeared for the applicant and was sworn in as a witness by Mr. Losco at the hearing.

Mr. Di Mondì submitted a plan supplied as a part of the special exception application which located all improvements currently on the site along with three new proposed 20' x 60' self-storage structures to expand the applicant's current mini-warehouse operation. The property itself is an irregularly shaped parcel that presently includes several self-storage structures similar to the proposed structure. The proposed structures will each contain 6 separate self-storage units, each being 10' x 20' in size. Mr. Di Mondì testified that with the expansion of apartment complexes in the vicinity of the property there is a need for additional storage units. He stated that the proposed units are of all metal construction and attractive. One of the three proposed units will be sited perpendicular to Seventh Street and directly adjacent to residential property owned by Benjamin Barnette and spouse (tax parcel 21-014.00-397). Mr. Di Mondì submitted a

letter of support from Mr. Barnett supporting the present application. Mr. Di Mondì pointed out that the other 2 proposed structures are to be located behind the existing one story building on the site that faces Seventh Street and so will be largely screened from the view of passersby on the street. Mr. Di Mondì was asked if he had consulted with other neighboring property owners. He indicated that all neighbors were satisfied with the expansion and noted that the facility generates little traffic.

Mr. Di Mondì indicated the current entrance to the subject property immediately next to the Barnette property will be closed off and entrance to the property will be limited to the existing entrance at the eastern end of the site. The entrance will be equipped with a license plate camera to provide additional security to identify those entering the site.

Mr. Di Mondì submitted photographic evidence of the existing iron fence and potted plants that will supply the required screening for the property. Mr. Losco questioned the number and spacing of the potted plantings, and noted that the current screening does not seem sufficient to adequately screen the mini-warehouse structures. He noted that the photograph submitted shows the fencing with only 2 potted plants and 10-12 doors to various storage units readily visible. Mr. Losco also questioned Mr. Bergstrom as to whether there was adequate parking on site, noting that the plan submitted only shows 5 existing parking spaces. Mr. Bergstrom advised that the parking requirements for self-storage facilities are minimal and Mr. Di Mondì explained that there is adequate space for parking in front of every unit in the facility.

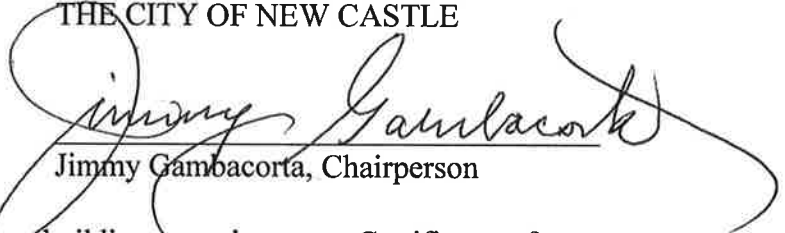
Additional questioning and testimony concerned the adequacy of the existing screening required by Code. Specifically, Mr. Athey quoted the Code requirement that "the Board of Adjustment shall give primary consideration to the mandatory provision of visual screening in the form of walls or fencing in combination with suitable landscaping..." Mr. Losco commented that he was satisfied with the fencing but not the vegetative screening. He noted that a prior 2014 decision of the Board concerning an earlier expansion of the facility required planting evergreen plantings at least 4 feet height. Mr. Di Mondì stated that he would install as many planters as the Board wanted, but also warned that the fencing along the eastern portion of the road frontage abuts the concrete sidewalk that he cannot block with planters. Mr. Athey asked if Mr. Di Mondì had considered removing some of the paved concrete behind the fencing to facilitate plantings. Mr. Di Mondì noted that the concrete is 12 inches thick and would be costly to remove. He also mentioned the grassy strip in front of the sidewalk that is planted with wild flowers that provide seasonal screening.

No members of the public appeared to voice support or opposition to this application.

On motion of Mr. Athey, seconded by Mr. Losco, the Board votes to grant the special exception with the condition that the applicant provide: (1) a continuation of the existing fence across the western entrance that is to be closed off; (2) landscape screening in the form of evergreen plantings on 5 foot centers, the height of which shall be a minimum of 4 feet including the height of the pots, along the western part of the property along the front property line from the existing one story building to the Barnette property, and in reasonable equivalence on the eastern part of the property with the exception of the existing entrance; and (3) with construction to commence within one year of this decision and construction of all three units to be completed within two years from the date of this decision. The Board concludes that the grant of the special exception to permit the expansion of the self-storage facility is permitted by Code and that this facility is well established in the fabric of the local community and thus is in harmony with the purpose and intent of the Code. The grant of the special exception will not adversely affect the public interest.

Vote: 3-0 (Grant: Gambacorta, Athey and Losco)

BOARD OF ADJUSTMENT OF
THE CITY OF NEW CASTLE



Jimmy Gambacorta, Chairperson

NOTE: This decision is neither a building permit nor a Certificate of Occupancy. Appropriate permits must be obtained from the applicable governmental agencies prior to construction or establishment of any use on the property. This decision should be kept in a safe place with the property deed. This decision may be appealed to the Superior Court by any person aggrieved by it within 30 days of its filing in the Office of the Board of Adjustment.